

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMERICAN NATIONAL PROPERTY  
AND CASUALTY COMPANY,

Plaintiff,

vs.

DANIEL J. FELIX,

Defendant.

Civil Action No. 3:16-cv-147

Hon. Kim R. Gibson

Electronically Filed

JURY TRIAL DEMANDED

**DEFENDANT/COUNTERCLAIM PLAINTIFF'S UNOPPOSED EMERGENCY  
MOTION TO SEAL ECF DOCUMENT NOS. 48-3, 48-5, 49-1, 49-7, 49-8, 49-9 and 49-10**

AND NOW, defendant/counterclaim plaintiff, by and through his attorneys, Bordas & Bordas, PLLC, hereby respectfully requests that the Court seal ECF Document Nos. 48-3, 48-5, 49-1, 49-8, 49-9, 49-10 and 55-1 so as to protect the inadvertently filed birthdates of multiple deponents. In support of the motion, defendant states as follows:

1. On February 14, 2018, defendant/counterclaim plaintiff filed his Motion for Summary Judgment (Doc. 45), Concise Statement of Material Facts (Doc. 47) and Appendix thereto (Docs. 48 and 49), which contained several deposition transcripts, ECF Docs. 48-3, 48-5, 49-1, 49-8, 49-9 and 49-10.

2. On March 14, 2018, defendant/counterclaim plaintiff filed his Memorandum in Opposition to Plaintiff/Counterclaim Defendant's Motion for Partial Summary Judgment (Doc. 56) Responsive Concise Statement of Material Facts (Doc. 54) and Appendix thereto (Doc. 55), which also contained a deposition transcript, ECF Doc. 55-1.

3. On March 14, 2018, counsel for plaintiff/counterclaim defendant alerted the undersigned that the aforesaid ECF documents contain the birthdate of the deponents, whereas Local Civil Rule 5.2(D)(3) requires the redaction of this information under the circumstances.

WHEREFORE, for the reasons set forth herein, and in accordance with Local Rule 5.2(D)(3), defendant/counterclaim plaintiff respectfully requests that the Court seal Docs. 48-3, 48-5, 49-1, 49-8, 49-9, 49-10 and 55-1. Defendant/counterclaim plaintiff further respectfully requests leave of Court to file the properly-redacted version of these documents.

Respectfully submitted,

DANIEL J. FELIX,  
Defendant/Counterclaim Plaintiff,

s/ Tyler J. Smith, Esq.

CHRISTOPHER J. REGAN (PA ID #88771)

TYLER J. SMITH PA (ID #70492)

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***Counsel for Defendant/  
Counterclaim Plaintiff***

**CERTIFICATE OF SERVICE**

I certify that on March 16, 2018, I served a true and correct copy of the foregoing upon all counsel of record via CM/ECF.

/s Tyler J. Smith

Tyler J. Smith, Esquire

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, upon consideration of Defendant/Counterclaim Plaintiff's Unopposed Emergency Motion to Seal ECF Document Nos. Docs. 48-3, 48-5, 49-1, 49-7, 49-8, 49-9, 49-10 and 55-1, it is hereby ORDERED and DECREED that Defendant/Counterclaim Plaintiff's Motion is GRANTED. ECF Documents No. Docs. 48-3, 48-5, 49-1, 49-7, 49-8, 49-9, 49-10 and 55-1 are hereby sealed. It is further ORDERED that Defendant/Counterclaim Plaintiff shall file the redacted version of these documents in accordance with Local Rule 5.2(D)(3).

**BY THE COURT:**

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Hon. Kim R. Gibson, U.S.D.J.